

Affidavit of Rabbi Naftali Babad

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CONGREGATION RABBINICAL COLLEGE OF
TARTIKOV, INC., RABBI MORDECHAI BABAD, RABBI
WOLF BRIEF, RABBI HERMEN KAHANA, RABBI MEIR
MARGULIS, RABBI GERGELY NEUMAN, RABBI
MEILECH MENCZER, RABBI JACOB HERSHKOWITZ,
RABBICHAIM ROSENBERG, RABBI DAVID A. MENCZER,
RABBI ARYEH ROYDE, and KOLEL BELZ OF MONSEY,

07 Civ. 6304 (KMK)(GAY)

AFFIDAVIT IN
OPPOSITION TO
DEFENDANTS'
MOTION TO DISMISS

Plaintiffs,

-against-

VILLAGE OF POMONA, NY; BOARD OF TRUSTEES OF
THE VILLAGE OF POMONA, NY; NICHOLAS SANDERSON,
AS MAYOR; IAN BANKS, ALMA SANDERS ROMAN,
RITA LOUIE and BRETT YAGEL, AS TRUSTEES
AND IN THEIR OFFICIAL CAPACITIES,

Defendants.

-----X
STATE OF NEW YORK)
)
COUNTY OF KINGS)

Rabbi Naftali Babad affirms the following under penalty of perjury:

1. I have been the Dean of Kollel Yechiel Mechil of Tartikov, a Rabbinical College in Brooklyn, New York, since it opened in 1980 with 20 students. (I was a student in the first class and also served as Dean, since there was no Rabbinical Judge available to serve as Dean. I continued as a Dean after I became a Rabbinical Judge.) The school is filled to capacity with 100 students, all studying to become Rabbinical Judges.

2. The school was established by my father, Rabbi Alexander Usher Babad, who was a Rabbinical Judge in Tartikov, Poland, before the war. Typically, each centuries-old small town of Orthodox Jews in Eastern Europe had its own *bais*

din staffed by Rabbinical Judges who were descendants of generations of Rabbinical Judges. The Judges were trained in all four volumes of the *Shulchan Aruch*, which is a codification of Jewish religious law, used as the basis for our daily religious practice and life. These Judges were able to live in the homes of their fathers or fathers-in-law as they raised their own families and studied day and night for many years to become Rabbinical Judges. The other families in the town had few material possessions and lived simple lives dedicated to their religious practices, beliefs and traditions. This environment allowed for the training of a sufficient number of Rabbinical Judges to serve the Orthodox Jewish population and for each town of a few hundred people to have its own *bais din*.

3. Most of these Judges did not survive the Holocaust. The families of Orthodox Jews who immigrated to the United States after the War found themselves in a completely different culture where Rabbinical Judges could not be trained in the old way. Rabbi Ezriel Tauber established the first school to train Rabbinical Judges in the United States, at Mechon L'Hoyroa in Monsey, New York, in 1976. The success of that school led to the opening of the Brooklyn school, which is funded by my brother, Rabbi Chaim Babad.

4. The scholars who enter the school are typically 20 years old, newly married, having already studied the Torah, the Talmud and other religious texts. They are committed to studying the *Shulchan Aruch* for at least 15 years in our school to become Rabbinical Judges.

5. Unfortunately, about 40 to 50 percent of our students leave the program within five years or so to become lecturers and teachers in the yeshivas or

for other reasons. This high rate of attrition is the result of not having a live-in community of families all dedicated to living a life of study. Instead, our young scholars and their families live in scattered apartments in the Brooklyn community, subject to the financial and other pressures of secular life.

6. To reduce the attrition rate, it is necessary to have a live-in community where all of the families have the same goal and live a simple life dedicated to and focused on religious study and practice, separated from the distractions and temptations of the outside culture. We are able to achieve this for two-and-a-half months each summer at a location in the mountains of Sullivan County where we provide our students and their families with summer cottages, and the scholars continue their studies together there. We are not able to do the same in Brooklyn.

7. The curriculum in Brooklyn is the same as the successful program at Mechon L'Hoyroa in Monsey, and is the same curriculum planned for Tartikov's college in Pomona, New York. The students study all four volumes of the *Shulchan Aruch* in depth, as did the Rabbinical Judges before the war. They spend time studying in groups and with lecturers, observing *bais dins* comprised of our graduates, and learning from the Rabbinical Judges by observation, interaction and discussions.

8. Our students learn in our traditional way in one large room sitting around large tables in groups and vigorously discussing the topic the group is studying. The lecturer moves among the groups asking questions and teaching for five minutes at one table, an hour at another. Students also may go to the lecturer's separate table to ask questions. This is why we do not use large lecture halls nor

need many classrooms. Exhibit "A" is a photograph taken this week at my direction depicting a typical session studying the *Shulchan Aruch* at Yechiel Mechil of Tartikov's school in Brooklyn.

9. Since the *Shulchan Aruch* is a compilation of the religious law from many ancient texts, it includes many references to those texts, including the Torah, the Talmud and the Mishna. However, none of the other texts are specifically studied separately, which would take many more years. Our students study the Talmud before they enter our school, which consists of twenty books, and takes many years to study in depth. Beth Medrash Govoha, a world-famous school for rabbinical and Talmudic studies in Lakewood, New Jersey, offers Talmud/Halacha class where students study for an indefinite period of time. They do not, however, offer a 15-year program on the *Shulchan Aruch* and do not have a program for Rabbinical Judges.

10. When the students complete the program, they receive a letter from me attesting to their studies and their ordination as Rabbis. They then seek *smichas* (certifications) from Rabbinical Judges who may test them before giving them a *smicha*. I received *smicha* from well-known sages after studying at Tartikov in Brooklyn, Israel and the United States..

11. Because the third and fourth volumes of the *Shulchan Aruch* involve the very complicated religious laws governing relationships between individuals, requiring extensive years of study, very few *dayanim* serving on *bais dins* today have studied these books in depth. They often turn to Rabbinical Judges, who have had the kind of training we provide, for rulings on these specialized issues. Without

more programs to train Rabbinical Judges, there will not be enough Rabbinical Judges to preserve the knowledge and practice of these religious laws.

12. I affirm pursuant to my religious beliefs.


RABBI NAFTALI BABAD

Affirmed before me this 10th
day of January, 2008


Notary Public

Michael Tauber
Notary Public, State of New York
No. 01TA5069580
Qualified in Rockland County
Commission Expires November 25, '10